

CUMMINGS • MCCLOREY



DAVIS & ACHO, P.A. FEB 19 A 11:08

ATTORNEYS AND COUNSELORS AT LAW

33900 SCHOOLCRAFT ROAD • LIVONIA, MICHIGAN 48150 • PHONE: (734) 261-2400 • FACSIMILE: (734) 261-4510

OWEN J. CUMMINGS
GERALD C. DAVIS
RONALD G. ACHO
TIMOTHY YOUNG
ROBERT L. BLANCH
T. JOSEPH SHAW
CHRISTOPHER E. COOK

EDWARD E. SALAS
CHRISTOPHER L. URSCH
ROBERT J. HAIN
JEFFREY B. CLARK
CHRISTOPHER A. ROBERTS
CHRISTOPHER G. SCHULTZ
TIMOTHY E. FERRAND

BLUEN K. HUBBARD
STYAN VERNON
SARAH L. OVERTON
ANNE MCCLOREY McLAUGHLIN
KIMBERLY G. GALLA
THOMAS J. LACROIX
GAIL P. MARSH

JONAS BRIDGEMAN
JOSEPH W. BRIDGEMAN
ALLAN C. VANDER LAAN
KATHRYN M. TOLSON
PATRICK R. STURDY
JAMES E. ACHO
LINDA DAVIS FREEMAN

KAREN M. DALEY
HAJIME A. KAZIM
JOHN J. BRAN, JR.
CHRISTOPHER B. GRANT
SARAH L. HUNTER
MELISSA P. STEWART
NANCY E. McALLISTER

ANDREW J. BRISKE

OF COUNSEL:
SAM C. AYVAH
JAMES C. VIGAN
JOSEPH D. SARAFI
STEVE M. CLIBBONS

Bernard P. McClorey, 1934-1993

1. Approved for transmission by
2. Approved for transmission by
3. Approved for transmission by

February 18, 2009

Jess S. Jordan, Esq.
Supervisory Attorney
Federal Election Commission
Complaints Examination & Legal Administration
999 E Northwest
Washington, D.C. 20463

**VIA FACSIMILE TRANSMISSION
AND UPS OVERNIGHT MAILING**

Re: MUR 6152

Dear Mr. Jordan:

Please be advised that I am responding to Complaint MUR 6152. This may be considered our Position Statement and Answer with regard to the above-referenced Complaint. However, nothing contained herein shall be construed as a waiver of any defenses, statutory or common law with regard to the charges made by the Charging Party. You should be aware that the Complaint is factually inaccurate and does not even have the correct name of any organization. In fact, the mailing was very limited and may not even have met the threshold for this Complaint. We will also show that the Complaint lacks merit and we will describe in specificity why that is true later in the letter. But before I get into the factual response, it is necessary to give you some background information.

BACKGROUND

Chaldeans are a Christian people who settled in the land now known as Iraq centuries ago. Unfortunately, over the years Chaldeans became a tiny Christian minority in a predominantly Muslim nation. As a consequence, since the War in Iraq began, Chaldeans have suffered tremendously, and disproportionately to all other people in Iraq. They have been kidnapped, beaten, tortured, mutilated and murdered. The vast majority of Chaldeans have now been driven out of their native homeland and disturbingly are virtually wiped out of existence in Iraq.

The situation is uncontrolled by the ruling party in Iraq. The United States Government supports the Government of Iraq, however that Country has been either unwilling or unable to protect Chaldeans from these horrific acts. As a consequence, the vast majority of Chaldeans have now become refugees being scattered throughout the world, predominately in other middle-eastern nations. Some have even emigrated to the United States.

29044251445

This issue and the letter that was sent are not really political, but deals with moral and humanitarian issues affecting the Chaldean people. I have surveyed many, many Chaldeans here in Michigan and I have found not even one who does not support the cause of protecting the Chaldeans in Iraq and assisting the plight of those refugees. In our United States Government, there have been two prominent advocates - Senator Carl Levin (Democrat, Michigan) and Joe Knollenburg (retired Republican Congressman from Michigan). These two men have been working tirelessly in helping to help alleviate the suffering of the Chaldean people.

These two leaders in Congress have better understood the plight of the Chaldeans in Iraq because for almost 50 years the majority of Chaldeans outside of Iraq live in Southeast Michigan, which is the district of Joe Knollenburg and is covered by Senator Carl Levin. As a result, the Chaldean Community has been very supportive of Senator Levin and former Congressman Knollenburg. As I indicated earlier, these are not and have not been political considerations. These are serious moral and ethical issues to try and avoid the annihilation of the Chaldean people in Iraq.

This background is very important, and impacts the investigation by the Federal Election Commission because it is well known throughout the Chaldean Community that Senator Levin and former Congressman Knollenburg were better aware of the plight of the Chaldean people and have been in the best position to advocate for their safety. It is in that context in which the letter "Chaldeans for Congressman Joe Knollenburg" was written.

FACTS

The Charging Party did not adequately review the facts or investigate the allegations before she made them. This is puzzling in light of the fact that it seems that the Charging Party's relative, perhaps husband or son, is Brent Plater. Mr. Plater appears to be a visiting Assistant Professor and staff attorney with the Environmental Law and Justice Clinic at Golden Gate University School of Law. Before beginning his teaching career he worked to defeat Richard Pombo (Republican from California) during the 2006 Congressional Election. The Charging Party's relative very likely was involved in the drafting of the Complaint and the Additional Information. The relevance is not the status of the Charging Party or her relative. What is disturbing is that the facts were not researched by the Charging Party and/or her relative.

Let me first begin by informing you that there is no such organization known as "Chaldean Chamber of Commerce". There is no organization known as the "Chaldeans for Congressman Joe Knollenburg". That merely is an expression of solidarity and the feeling of the Chaldean Community regarding Joe Knollenburg as well as Carl Levin.

There is though a "Chaldean-American Chamber of Commerce". There is a "Chaldean Chamber Political Action Committee". Neither of those organizations had anything at all to do with this letter that was mailed. The Charging Party can never establish that these two organizations had any involvement in the letter at issue, because they did not.

February 18, 2009
Page Three

Further, Sharon Hannawa is not, and has never been, a Treasurer for "Chaldeans for Congressman Joe Knollenberg". In fact, she had absolutely no involvement in either the drafting or any other aspect of the letter at issue. She likewise has been unfairly accused by the Charging Party in this matter.

The fact is the letter was sent by Martin Manna in his own individual capacity and as a leader of the Chaldean Community. In fact, the people who are identified in the letter, Ron & Rita Acho, Frank & Judy Jonna, Basil & Majida Bacall, Robert & Vinos Kassab, Dave & Kholoud Nona, Michael & Najat George, John & Carol Loussia, Michael & Mariann Sarafa, are all regarded as "leaders in the Chaldean Community". They all either hold significant positions of authority and/or responsibility or are well regarded by the Chaldean people. In fact, many more names could have been used but the letter would have been too long.

Further, this letter clearly identifies the address from which this letter was sent which was 30095 Northwestern Highway, Suite 102, Farmington Hills, MI 48334. That address also is used for other entities such as Interlink Media, the Chaldean-American Chamber of Commerce and Martin Manna, in his personal capacity. In fact, that same address, but different suite, also houses other Chaldean businesses including the Bank of Michigan.

There are many connections with that address since the writer of this Response, himself, is on the Board of Bank of Michigan as is Martin Manna and Michael Sarafa is President of the Bank of Michigan and Michael George serves as an advisor to Bank of Michigan. A great deal of business is transacted in that building and in that office by and on behalf of Chaldeans. So the Charging Party clearly is unaware of the facts.

Further, you should be aware that Congressman Knollenberg was advised of the contents of the letters and orally approved the letter. There was no "specific endorsement", but clearly the letter and its contents were supported by the Congressman. Whether the Congressman shared that information about the letter with his Committee is not clear. There knowledge, if any, would be secondary to the Congressman's. Again, you should be aware that this letter was sent exclusively by Martin Manna and paid only by Martin Manna and no organization or entity or any other individual, as alleged in the Complaint.

It also raises an issue that her maiden name was used and she has not gone by her maiden name for a number of years. That is irrelevant. Chaldeans are listed in directories and women frequently have their maiden names used. The fact that the maiden name of the Charging Party was used has absolutely no relevance or significance in this matter. Lastly, the Charging Party filed an Amendment on or about February 3, 2009. In that addition, she refers to individuals who are mentioned in the letter as being involved in a publication called the Chaldean News. Again, there is absolutely no relevance to that observation.

Many of the individuals listed in the letter are involved in many organizations. For instance, Michael J. George is one of the most well respected and honored members of the Chaldean Community. Mr. George is head of the Chaldean Federation of America, as well as sitting on the Boards of approximately 24 different companies and organizations.

29044251447

February 18, 2009
Page Four

Ronald G. Acho, the writer of this Response, is also involved in several significant organizations, both Chaldean and otherwise.

Michael Sarafa has been involved in the Chaldean-Iraqi Association of Michigan and served as its President. He is President of Bank of Michigan, which has a significant ownership interest by Chaldeans. He is also involved in a number of Chaldean organizations. The same can be said of everyone that approved the letter at issue.

Additionally, the mailing was limited. It is not clear whether even 500 letters were sent. Therefore, the issue may not even rise to the level of being considered a violation of any law, under any circumstances.

Simply stated, the Charging Party is ill-informed and makes observations that clearly are irrelevant and immaterial. Her suggestion that information provided to the Community should be fair and balanced, as well as in compliance with Federal Election Law. As I indicated earlier, we are dealing with a crisis situation that our Government has not addressed, nor has the Government of Iraq.

This letter was a simple communication that has been recited in various places and by various means by many Chaldeans. This letter was fully appropriate, is in violation of no law, and appears to be a political attack on a humanitarian effort. This charge should be dismissed in its entirety.

Should you have any questions or comments, please do not hesitate to contact my office. Thank you for your cooperation and assistance in this matter.

Very truly yours,

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.



Ronald G. Acho

RGA:ktu